

Date: January 4, 2007

Mr. Henry Ervin
Director Of Human Resources
Department Of Mental Health And
Mental Retardation
100 N. Union Street
Montgomery, Alabama 36110-1410

Dear Mr. Ervin:

I am writing regarding the lowering of score on my Performance Appraisal given by my supervisor, Kendra Butler on January 4, 2007. My last Performance Appraisal score dated 12/21/05 was 35.7. Ms. Butler lowered my score to 25.7. This is a second attempt by a supervisor to lower my Performance Appraisal. Jerryln London my previous supervisor attempted to drastically lower my Performance Appraisal score on 12/21/05.

Ms. Butler my current supervisor in my evaluation meeting informed me that she had lower my score because she did not have documentation to make it higher and attempted to make me sign the evaluation stating that Ms. London would be out of the office tomorrow. I informed Ms. Butler that I needed more time to review the scoring that she had given me along with her changing some of the wording in the new Pre-Appraisal dated January 1, 2006 to January 1, 2007. Ms. Butler also stated that I pride myself on working independently without supervision and do not informed her of what I am doing. I do take pride in my ability to work independently and doing a good job as I have the same credentials as Ms. Butler. I disagree with Ms. Butler on not keeping her informed. Plus, working independently has always been a requirement of Community Services employees in Region III. Ms. Butler also informed me that she had to have several discussions with me regarding expansion of monitoring assignment given to me in June 2006. Yes, we did have discussions and I voiced my opinion on how the monitoring assignments could be improved since all staff is expected to do this assignment. This is not the first time that Ms. Butler has expressed her dislike of me voicing my opinion regarding the expansion my monitoring assignment. Ms. Butler in my Pre-Appraisal dated (7/26/06, 7/27/06) in area of need improvement indicated that I needed to be "more accepting of expansion of job responsibilities" and put example of monitoring assignment (group homes). I disagreed with Ms. Butler's statement and she refused to change the statement. Ms. Butler's recommendation was to do an attachment to the Pre-Appraisal in which I did an attachment. I complied with the monitoring assignment and consistently have been the one that does most of the homes whereas other staff do not do their assigned homes or due the bare minimum of their assigned homes. I kept Ms. Butler and Ms. London aware of all the homes that I and other staff were monitoring or not monitoring. The fiscal year beginning October, 2006, I developed a monitoring assignment checklist form along with the database indicating what staff was doing and not doing.

PLAINTIFF'S
EXHIBIT

60

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Obviously, my complying with the assignment, doing most of the monitoring of homes, keeping Ms Butler and Ms. London aware of what I and the other staff were doing or not doing with the monitoring has not been enough to please Ms. Butler since she gave me a score of three. in this area. Is Ms. Butler penalizing me for voicing my opinion on how the monitoring assignments could be improved? I am a professional and as such I was given my profession recommendations on how to effectively improved the monitoring of the community homes. I also questioned since this is a major assignment in Community Services if other assigned staff are being evaluated on their monitoring assignments. If staff assigned to monitor are not being evaluated on their Performance Appraisal, I wonder why not since this is a major function of Community Services.

I disagreed with the score of two in number two, I have always been one of the primary person to provided technical assistance to community care providers primary prior to site visits and after site visits if the community care providers on placed on provisional by the Certification team. Technical assistance in Region III Community Services is done primary based upon the request of the community care providers. In Region III Community Services the smaller agencies are the agencies that need more technical assistance and I have done a lot of technical assistance with these agencies. Ms. Butler admitted in the evaluation that she was aware of me doing the technical assistance with the smaller agencies

I also informed Ms. Butler that I disagreed with the score of two given to me on number three with regards to developing of resources/ placement. Ms. Butler is fully aware that I was the person that Ms. London assigned in November 2005 through February 2006 to work with the 310 Board case managers to ensue that they were doing their jobs with getting the individuals off the waiting list. I was told by Jerryln London to work with a specific case manager while the 310 Board case mangers supervisor was on maternity leave and Ms. Butler was aware of this assignment and I kept Ms. Butler informed. The assignment consisted of numerous discussions/ meetings with the case managers on developing resources, assessing individuals for appropriate community residential placements and services. Ms. Butler and Ms. London were in some of these meetings. I was also assigned by Ms. Butler to assess developing resources in for new community homes. This involved during written assessments of the potential for individuals to be care providers. These written assessments were given to Ms. Butler. The aforementioned assignments in this paragraph are crucial to development of resources and placement.

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I disagree with Ms. Butler on number 4 where I received a score of three. I have served as the liaison person for the 310 case managers and even have provided technical assistance to 310 case managers and reviewed their quarterly reports and billing.

I also informed Ms. Butler that I disagreed with her given me a score three on number five when I was the person assigned to review all re-determinations when Rebecca Green left in December, 2005. I picked up the assignment of reviewing all re-determinations starting January 1, 2006 to April 3, 2006. I did this assignment in a professional manner and worked with Sherry Robinson with this assignment. I then was asked by Kendra Butler to assist with some of the training of the new employee, Jean Long who is now assigned the Medicaid Waiver responsibilities

Ms. Butler informed me that I did not communicate with her. This is not true if I assess the situation and the supervisor needs to know, I have always reported to the supervisor what is going on or what I am doing to address a situation. I even went to the extent of giving Ms. Butler schedules of what I was doing and she has signed off approving the schedule. However, after giving me the bulk of the monitoring assignments, Ms. Butler then had a problem with me making compensatory time and advised me to flex my time. Monitoring homes have to occur early in the morning before work hours or in the evenings after work hours.

Ms. Butler as well in the new Pre-Appraisal did 6 responsibilities and told me if I could think of another responsibility she would add 7 but a common one that has been used in the past, RCS staff/ QMRP on call could not be used.

Ms. Butler informed me that it was her understanding that I would have to show documentation of why my scores should be higher. I requested from Ms. Butler documentation on why my scores were lower. Ms. Butler response was that she would have to look into giving me this documentation. I have a big concern with regards to Ms. Butler having to look into providing documentation or justification for lowering my Performance Appraisal score. I doubt if any other employee's Performance Appraisal has been lowered. I doubt that any other employee has been asked to provide documentation or justification of his or her job performance.

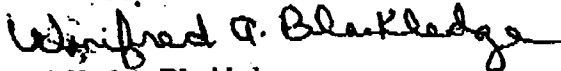
Ms. Butler has done no prior counseling with me and was unaware that counseling had to be done prior to lowering an employee's evaluation and told me that she was only aware that the employee needed to provide documentation if they disagreed with the scoring. Ms. Butler has not told me that my job performance was poor.

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Ms. Butler has not given me objective suggestions on ways to improve my job performance but continues to treat me in an unprofessional manner and has consistently attempted to penalize me. Since my employment with the department, I have always attempted to do the best in serving the department, community agencies and the individuals we serve. I do not take my job performance or Pre- Appraisals or Performance Appraisals lightly and do not appreciate Ms. Butler's attempt to penalize me. I come to work to do my job in a professional manner and I don't bother anyone. I don't know if Ms. Butler has been told by some one to do this punitive behavior. However, if Ms. Butler continues her punitive behavior towards me I will have no choice but to file formal complaints with appropriate sources.

I am requesting that personnel intervene in this matter. I am requesting the same score of 35.7 from my last evaluation dated 12/21/05.

Sincerely,


Winifred A. Blackledge

P. C. John Houston, Commissioner
Eranell McIntosh-Wilson, Associate Commissioner
Fordyce Mitchel, Director of Community Services
Josh Wilson, Wiggins, Childs, Quinn & Pantazis
Copy of this letter to Personnel File
Submission to all individuals in P. C. area the following information and for
Personnel File):

Performance Appraisal done by Ms. Butler on January 4, 2007
Pre-Appraisal dated January 1, 2006 January 1, 2007
E-mail from Kendra Butler dated April 21, 2006
Memorandum/response to Kendra Butler's E-mail dated April 26, 2006
Pre-Appraisals (dated July 26, 2006 and July 27, 2006)
Attachment to Pre-Appraisals (dated July 26, 2006 and July 27, 2006)
Fax cover and letter to Joan Owens, DMR/MH Personnel dated October 16, 2006 with
letter attached to Kendra Butler dated October 13, 2006

Form 13
Revised (01/2006)
EMPLOYEE PERFORMANCE APPRAISAL
STATE OF ALABAMA
Personnel Department

Employee Name: WINIFRED A BLACKLEDGESocial Security Number: XXX-XX-0861Agency: 061/MENTAL HEALTH & RETARDATIONDivision: 313E/CENTRAL OFF MR COMM PROClassification: M H SOCIAL WORKER IIClass Code: W2000 Position #: 08823006Period Covered From: 01/01/2006 To: 01/01/2007Annual Raise Effective: MARCH 2007

APPRAISAL SIGNATURES: Signatures are to be provided after the form has been completed. Signatures denote supervisor and employee discussion and receipt of form. Employee signature does not denote agreement. All signatures are mandatory.

Rating Supervisor	Employee	Reviewing Supervisor
SSN <u>XXX-XX-6988</u>		SSN <u>XXX-XX-</u>
<u>Kendra Butler</u> Rater Signature		 Reviewer Signature
<u>Kendra Butler</u> Rater Printed Name	 Employee Signature	 Reviewer Printed Name
<u>1/4/07</u> Date	 Date	 Date
 Initial if comments attached	 Initial if comments attached	 Initial if comments attached

PERFORMANCE APPRAISAL SCORE: Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score. Mandatory documentation is to be maintained in the agency's personnel files if a "Does Not Meet" or "Consistently Exceeds" rating is given.

25.7 - 0 = 25.7
 Responsibility Score Disciplinary Score Performance Appraisal Score

This employee's work:

☐
 Does Not Meet
 Standards
 (6.6 or below)

☐
 Partially Meets
 Standards
 (6.7 - 16.6)

☒
 Meets
 Standards
 (16.7 - 26.6)

☐
 Exceeds
 Standards
 (26.7 - 36.6)

☐
 Consistently
 Exceeds Standards
 (36.7 - 40)

WORK HABITS: Check the appropriate space for each Work Habit area. Work Habits pertain to conduct occurring in this Appraisal period. Provide an explanation below for marking any work habit as "Unsatisfactory." Attach additional sheets if necessary. No disciplinary action has to be taken to mark a Work Habit "Unsatisfactory."

	Unsatisfactory	Satisfactory
Attendance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Punctuality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cooperation with Coworkers	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Compliance with Rules	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSIBILITIES: List an abbreviated version of the employee's responsibilities below as documented on and discussed during the Preappraisal. Record the appropriate rating in the box for each responsibility. Rating(s) of appropriate responsibilities should reflect any disciplinary action(s) that has been taken during this appraisal period.

0 Does Not Meet Standards	1 Partially Meets Standards	2 Meets Standards	3 Exceeds Standards	4 Consistently Exceeds Standards
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Responsibility

Rating

1. Coordinates community services staff monitoring of residential facilities, maintains monitoring data base. 3
2. Provides technical assistance, consultations to staff in the service delivery system in order to address quality of life issues. 2
3. Development of resources, funding community placements, oversees with the placement process for individuals in order to promote better in the least restrictive settings; individual div. 2
4. Provides as liaison between the regional community services office and the 310 case managers and provides technical assistance with standards compliance. 2
5. Review Medicaid Redetermination forms and completes Medicaid updates forms as needed. 3
6. Serves as case manager of a select group of individuals in order to facilitate community living. 3
7. Composes clinical documents, reports and correspondence on individual programs, issues for use in client services and program enhancement. 3
8. ☐
9. ☐
10. ☐

RESPONSIBILITY SCORE:

$$\frac{18}{\text{Total of Responsibilities/Results Ratings}} \div \frac{7}{\text{Number of Responsibilities}} = \frac{2.57}{\text{Average Responsibility Rating}} \times 10 = \frac{25.7}{\text{Responsibility Score}}$$

DISCIPLINARY ACTIONS: Any disciplinary action taken with the employee during this appraisal period is to be documented below. Provide the number of disciplinary actions and steps taken with the employee during the appraisal year. If no disciplinary action has been taken, a "0" should be marked in each block provided. Attach a copy of the warning(s), reprimand(s), suspension(s) or demotion to the Appraisal.

Warning

Reprimand

Suspension

Demotion

0

0

0

0

DISCIPLINARY SCORE: This section should include the use of the discipline steps of reprimand, suspension, and demotion only. The Disciplinary Score does not include scores for counseling and warnings. To calculate the Disciplinary Score, identify the most severe step of discipline taken with the employee during this appraisal period. If the most severe step was one or more reprimands, the Disciplinary Score will be 7. If the most severe step was one or more suspensions, the Disciplinary Score will be 17. If the most severe step taken with the employee in the appraisal year was one or more demotions, the Disciplinary Score will be 24. Otherwise, the Disciplinary Score will be 0.

DISCIPLINARY SCORE:

0

Form 13P **EMPLOYEE PERFORMANCE PREAPPRAISAL**
Revised (01/2006) **STATE OF ALABAMA**
Personnel Department

Employee Name: WINIFRED A. BLACKLEDGE Social Security Number: XXX-XX-9861
 Agency: 061/MENTAL HEALTH & RETARDATION Division: 313E/CENTRAL OFF. MR. COMM. PRG.
 Classification: M.H. SOCIAL WORKER II Class Code: W2000
 Period Covered From: 01/01/2007 To: 01/01/2008 Position Number: 08823006

RESPONSIBILITIES/RESULTS: Responsibilities and results on which an employee will be rated should be listed below. These factors should be discussed with the employee during the Preappraisal session at the beginning of each appraisal year. Please refer to the Performance Appraisal Manual for instruction on specifics of preparing, conducting, and completing the Preappraisal. Refer to the same manual for information concerning how to develop responsibilities and results.

1. Coordinates community services staff monitoring of residential facilities, maintains monitoring database, provide monitoring reports of contracted residential facilities and individuals in the service delivery system in order to address quality of life issues.
2. Provides technical assistance and consultations to day and residential providers in the region in order to address quality of life issues and standards compliance. Provides written feedback to providers.
3. Assists families in the development of resources, finding community placements, working with the placement process for individuals in order to promote living in the least restrictive settings and institutional diversion.
4. Serves as liaison between the Regional Community Services office and the 310 case managers and provides technical assistance with standards compliance.
5. Serves as case manager for select group of individuals in order to facilitate community living. Reviews Plan of Care and quarterly narratives.
6. Composes clinical documents, reports and correspondence on individuals, programs, issues for use in client services and program enhancement.

WORK HABITS: Provide a check in the appropriate space to document that the policies and procedures concerning the following areas have been discussed with the employee. For instructions, refer to the Performance Appraisal Manual and policies of the agency.

CHECK WHEN DISCUSSED:

Attendance _____
 Punctuality _____
 Cooperation with Coworkers _____
 Compliance with Rules _____

PREAPPRAISAL SIGNATURES: Signatures are mandatory.

Date the Preappraisal Session was held with the employee: _____

Employee Signature: (denotes discussion and receipt of form, not agreement) _____

Rater Signature: (denotes discussion and employee receipt of form) _____

Reviewer Signature: _____

EMPLOYEE PERFORMANCE MIDAPPRAISAL

Describe any employee's strength(s) in performing responsibilities and/or conducting work habits, as observed, during the first half of the appraisal period.

Describe any area(s) that the employee needs to improve in performance of responsibilities and/or work habits, as observed, during the first half of the appraisal period. Document any actions taken or the corrective action plan that was developed to improve the areas of weakness. If a plan has not been developed, it is appropriate for the rater to consider developing a plan at this time.

State the areas where the employee has performed in a fully competent manner during the first half of the appraisal period. Documentation in this area means that the employee performed to the expected level of performance as discussed in the Preappraisal session. If there is no documentation in the first two areas, this section should be completed.

A Midappraisal session has been held on this date and performance has been discussed: _____

Employee Signature: _____ Initial if comments attached: _____

Rater Signature: _____ Initial if comments attached: _____

Reviewer Signature: _____ Initial if comments attached: _____

(Signatures denote that a Midappraisal session has been held between the supervisor and employee. Signatures are mandatory. Employee signature does not denote agreement but discussion of the form and rater comments. Comments may be attached. The person attaching comments must initial in the appropriate space.)